

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, May 17, 2012
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE – Led by Commissioner Brown

C. ROLL CALL

PRESENT: Ameri, Brown, Hillgren, Kramer, Myers, and Toerge
ABSENT (Excused): Tucker

Staff Present: Kim Brandt, Community Development Director; and Leonie Mulvihill, Assistant City Attorney

D. PUBLIC COMMENTS

Chair Toerge invited comments from those in the audience who wished to address the Commission on other than Agenda items.

Jim Mosher addressed the review of proposed Capital Improvement Program noting that at the previous City Council meeting, one Councilmember commented on the Planning Commission's considerations other than finding that the plan was consistent with the General Plan. Mr. Mosher stated that the Planning Commission has the power to make recommendations to the City Council concerning the City's public works. Additionally, he addressed a discussion about rules and procedures stating that the last changes made were not in the rules, currently, or what the Planning Commission recollected it was supposed to be. Mr. Mosher opined that it is important to retain recordings of meetings and for the Planning Commission to follow its own rules.

Steve Ray inquired as to the appropriate time to discuss the Newport Banning Ranch project since it is listed as Item No. 3 and the agenda indicated that there was a request for continuance.

Chair Toerge reported that he should wait adding that the item will not be discussed other than continuing it.

Terry Welsh, President of the Newport Banning Ranch Conservancy distributed pictures and noted that the Newport Banning Ranch mesa was recently mowed, and that many people commented on the item on the Draft EIR and that there was a response indicating that the mowing was acceptable because of fire safety and routine field operation reasons. Mr. Welsh noted his concerns with the mowing on Newport Banning Ranch. In addition, Mr. Welsh noted that areas around the oil pumps should be cleared, but not the areas in between the pumps. He asked that the Planning Commission help stop the mowing.

Dan Purcell addressed the lack of a projector at the meeting this evening and felt that it is important to allow residents to provide presentations.

James Peter Schabarum commented on the Newport Banning Ranch project's dried out caverns that once held oil are hollow, and noted his concern with there being nothing to absorb the tremors of future earthquakes and opined that it is in the best interest of the City not to allow the Newport Banning Ranch project to develop any further.

Assistant City Attorney Leonie Mulvihill reported that this is the portion of the agenda where the Commission would take public comments on items that are not on the agenda. She agreed that although consideration regarding the Newport Banning Ranch project will be related to its continuance, she suggested that the Commission act on the side of caution and allow comments not relative to continuance of the item.

Robert Schumann expressed concerns with the plan to allow an increased numbers of cars on Coast Highway between Prospect and Superior Avenue, because it may result in gridlock and the reduction of air quality. He asked the Planning Commission to reconsider the matter. Mr. Schumann expressed concerns with the pedestrian bridge, opining that the additional pedestrian traffic will have consequences.

There being no one else wishing to address the Planning Commission, Chair Toerge closed the public comments portion of the meeting.

E. REQUEST FOR CONTINUANCES

Community Development Director Brandt reported that staff is requesting that Item Nos. 2 and 3 be continued until the Planning Commission meeting of June 7, 2012. She added that Item No. 2 was noticed for this meeting but the Planning Commission recommended continuance until June 7, 2012, at its last meeting in anticipation of the Newport Banning Ranch project being scheduled tonight.

Regarding Newport Banning Ranch, she reported that staff is missing the final version of the development agreement which is very important to the project. Staff and the applicant are both requesting a continuance to June 7, 2012.

Chair Toerge noted that both items will ultimately then be heard at the same meeting.

Ms. Brandt affirmed so and added that staff is recommending Item No. 2 be heard on June 7, 2012, because there are permit timing compliance issues.

In response to an inquiry from Chair Toerge, Ms. Brandt reported that it is staff's due diligence to provide the complete package for the Newport Banning Ranch project for consideration on June 7, 2012. If staff is unable to do so, the Planning Commission will be notified if another continuance is anticipated. At this point, staff desires to have a complete agenda package for the Planning Commission's meeting on June 7, 2012.

Commissioner Kramer expressed concerns regarding the complexity of the June 7, 2012, agenda adding that adequate time must be given to the Newport Banning Ranch project.

Commissioner Ameri agreed with the need to have sufficient time to study the agenda package relative to the Newport Banning Ranch project.

Assistant City Attorney Mulvihill agreed with the importance of the Newport Banning Ranch development agreement. She stated that the document was not available to distribute to the Commission in adequate time to review for the present meeting and therefore, staff recommended continuing it to June 7, 2012. She added that the Commission will be making a recommendation to the City Council who will ultimately give final approval or disapproval on the terms of the development agreement.

Discussion followed regarding the June 21, 2012 agenda. Ms. Brandt addressed the tentative items scheduled for June 21, 2012.

Chair Toerge noted the urgency of the item and suggested that the two items be considered separately.

Chair Toerge invited comments from the public regarding Item No. 2.

Don Peterson reported that he has not seen the plans noting that it usually goes to the HOA's Architecture Committee along with the CC&R's. He stated that he has restrictions that were recorded on that property that must be taken into consideration and presented them to the Commission.

Seeing and hearing no one else wishing to address the Commission on Item No. 2, Chair Toerge closed the public comment section for this item.

Motion made by Commissioner Kramer and seconded by Commissioner Ameri, and carried (6 - 0) to continue Item No. 2 regarding Cornerstone Securities Residential Addition - (PA2012-027), 245 Evening Canyon Road to the Planning Commission meeting of June 7, 2012.

AYES:	Ameri, Brown, Hillgren, Kramer, Myers, and Toerge
NOES:	None
ABSTENTIONS:	None
ABSENT (Excused):	Tucker

Regarding Item No. 3, Chair Toerge invited comments from those wishing to address the Commission at this time.

Steve Ray, Executive Director of the Newport Banning Ranch Conservancy, expressed concerns regarding the need to allow sufficient time to review the development agreement and suggested that given the complexity of the project there may be insufficient time for the Commission and the public to review. He suggested continuing Item No. 3 to the June 21, 2012, Planning Commission meeting. He added that a date certain would be preferable because of public expectations and scheduling issues, since much public input is anticipated.

Jim Mosher agreed with Mr. Ray in continuing the item to June 21, 2012, and commented about the noticing of the item.

Dan Purcell encouraged the Planning Commission to continue the item to June 21, 2012, and noted that a meeting of the Coastal Commission will be held prior, where there may be determinations to be considered by the Planning Commission.

Seeing and hearing no one else wishing to address the Planning Commission on Item No. 3, Chair Toerge closed the public comment section for this item.

Commissioner Myers suggested that staff consider pushing forward some of the items scheduled for the June 21, 2012, meeting to the June 7, 2012, meeting.

Commissioner Kramer agreed with Commissioner Myers' comments.

Motion made by Commissioner Kramer and seconded by Commissioner Myers, to continue Item No. 3 regarding Newport Banning Ranch - (PA2008-114), 5200 West Coast Highway to the Planning Commission meeting of June 21, 2012.

Vice Chair Hillgren felt that the Planning Commission has a responsibility to move items forward, agreed with the need to be clear on notices and saw no reasons to delay the project.

Substitute motion made by Vice Chair Hillgren to accept staff recommendations and continue Item No. 3 to the Planning Commission meeting of June 7, 2012. The substitute motion failed for lack of a second.

Chair Toerge agreed that the Planning Commission has an obligation to move projects forward, but so does the applicant and stated that the Planning Commission has done all it can to move it forward.

Chair Toerge called for a vote on the original motion, which carried (5 - 1).

AYES: Ameri, Brown, Kramer, Myers, and Toerge
NOES: Hillgren
ABSTENTIONS: None
ABSENT (Excused): Tucker

F. CONSENT ITEMS

ITEM NO. 1 Minutes of May 3, 2012

Chair Toerge invited comments from the public on this item. There was no response and public comments were closed.

Motion made by Commissioner Brown and seconded by Commissioner Hillgren, and carried (6 – 0), to approve the minutes of the Planning Commission of May 3, 2012, as corrected.

AYES: Ameri, Brown, Hillgren, Kramer, Myers, and Toerge
NOES: None
ABSTENTIONS: None
ABSENT (Excused): Tucker

G. PUBLIC HEARING ITEMS

ITEM NO. 2 Cornerstone Securities Residential Addition - (PA2012-027)
SITE LOCATION: 245 Evening Canyon Road

Continued to the Planning Commission meeting of June 7, 2012, under Item E, Requests for continuances.

ITEM NO. 3 Newport Banning Ranch - (PA2008-114)
SITE LOCATION: 5200 West Coast Highway

Continued to the Planning Commission meeting of June 21, 2012, under Item E, Requests for continuances.

H. NEW BUSINESS**I. STAFF AND COMMISSIONER ITEMS**

ITEM NO. 4 Community Development Director's report.

Community Development Director Brandt reported that at its meeting last week, the City Council continued the lot merger on Ocean Boulevard to June 26, 2012.

ITEM NO. 5 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

None

ITEM NO. 6 Request for excused absences.

Commissioner Brown requested an excused absence for the meeting of June 7, 2012, due to a previous commitment. Commissioner Myers indicated he will be out of the country on June 7, 2012, and will not be able to attend.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:14 p.m.

The agenda for the Regular Meeting was posted on May 11, 2012, at 2:23 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

Michael Toerge, Chairman

Fred Ameri, Secretary